

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

)	
)	
MONET DAVIS,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 2005-155
)	
LAVERNE E. RAGSTER, President, and)	
BOARD OF TRUSTEES OF THE UNIVERSITY)	
OF THE VIRGIN ISLANDS,)	
)	
Defendants.)	
)	
_____)	
)	
GLORIA A. HODGE,)	
)	
Plaintiff,)	Civil No. 2005-113
)	
v.)	
)	
THE UNIVERSITY OF THE VIRGIN ISLANDS,)	
)	
Defendant.)	
)	
_____)	

ATTORNEYS:

Archie Jennings, Esq.
St. Thomas, U.S.V.I.
For the plaintiff.

Samuel H. Hall, Jr., Esq.
Marie E. ThomasGriffith, Esq.
St. Thomas, U.S.V.I.
For the defendants.

ORDER

GÓMEZ, C.J.

On January 17, 2008, the Court held a status conference with the parties in the above-captioned matters.¹ In a subsequent written order entered on January 22, 2008, the Court set certain deadlines for motion practice. Specifically, the Court ordered the defendants to file their motion for summary judgment no later than March 1, 2008, and the plaintiffs to file their response to the motion no later than April 1, 2008. The Court also scheduled a hearing on the motion for 9:00 a.m. on April 18, 2008.

Notwithstanding the Court's January 22, 2008, scheduling order, on March 4, 2008, the parties filed a pleading entitled, "Stipulation for Enlargement of Time," which purported to extend the deadline for the summary judgment motion to March 19, 2008. On March 7, 2008, the Court extended the motion deadline to March 19, 2008.

On March 18, 2008, the parties again filed a stipulation, which purported to extend the deadline to file the summary judgment motion to April 21, 2008. The parties further

¹ The above-captioned matters have been proceeding on largely the same discovery schedule. In both matters, the parties filed the same stipulations for extensions of time. Consequently, the Court has consolidated these matters for the purpose of this order only.

stipulated that the plaintiffs would file their responses to the motion no later than May 21, 2008.²

Local Rule of Civil procedure 56.1(c)(1) provides:

When a party requests an extension of time from the other party, the parties shall first make a good faith effort to negotiate a reasonable extension, which shall not exceed thirty (30) days from the deadline otherwise prescribed in this Rule. Only one such extension for the motion in question is permitted. The party seeking the extension must file notice of any such negotiated extension before the filing date prescribed in this Rule.

LRCi 56.1(c)(1) (2008).

Local Rule 56.1 thus authorizes parties to file one stipulation for an extension of time with respect to deadlines prescribed by that rule. The rule prescribes deadlines only for the response to a motion and the reply to the opposition. The rule does not prescribe deadlines for the filing of the motion itself. Therefore, Local Rule 56.1 does not empower parties to file such an extension for the filing of a motion. Nor does the rule authorize parties to alter a scheduling order issued by this Court. Moreover, in no event does the rule authorize more than one such extension per motion.

² In this second stipulation, the parties state that "this motion is not made for any dilatory purpose, but was occasioned upon the fact that it was not until Monday, March 17, 2008 that they received the transcript of the Plaintiff's deposition taken in this case." (Stipulation for Enlargement of Time 1.)

Despite the clear language of Local Rule 56.1 and this Court's scheduling order, however, the parties in this matter have purported to stipulate to an extension of time for the filing of the defendants' summary judgment motion. Because such a stipulation is not authorized -- by either the Local Rules or this Court -- it is void.

In this matter, as well as in several other matters before the Court, litigants have ignored the Local Rules of Civil Procedure and treated this Court's scheduling orders as mere suggestions. Consequently, the Court will take this opportunity to remind litigants appearing before the Court to carefully observe the Local Rules of Civil Procedure, *see, e.g., Metcalfe v. Renaissance Marine, Inc.*, Civ. No. 2007-131, 2008 U.S. Dist. LEXIS 13181, at *1 (D.V.I. Feb. 15, 2008) (noting the importance of paying "scrupulous attention" to the Local Rules); *Sheets v. Schlear*, 132 F.R.D. 391, 394 (D.N.J. 1990) ("All litigants who wish to bring their cases in federal court must know and abide by both the Federal and Local Rules of Civil Procedure."), and to comply strictly with this Court's scheduling orders. *See, e.g., Garza v. Allstate Tex. Lloyd's Co.*, No. 06-40359, 2008 U.S. App. LEXIS 2626, at *7 (5th Cir. Feb. 6, 2008) (recognizing "that adherence to . . . scheduling orders is critical in maintaining the integrity of judicial proceedings") (quotations and citation

omitted); *Henry v. United States*, No. 95-6016, 1996 U.S. App. LEXIS 15546, at *12 (10th Cir. June 27, 1996) ("Adherence to . . . scheduling orders are critical in maintaining the integrity of judicial proceedings."); *United States v. Luitgaren*, Civ. No. 07-211, 2008 U.S. Dist. LEXIS 21614, at *3 n.1 (M.D. Fla. Mar. 19, 2008) (noting that "the parties must comply with both the Local Rules and the Scheduling Order."); *Long v. Amada Mfg. Am.*, Civ. No. 02-1235, 2004 U.S. Dist. LEXIS 30708, at *19 (N.D. Ga. Mar. 31, 2004) (noting that parties must comply "with deadlines imposed by scheduling orders"); *Miami International Realty Co. v. Mt. Crested Butte*, 607 F. Supp. 448, 456 (D. Colo. 1985) (noting that "parties must comply with scheduling orders").

The premises considered, it is hereby

ORDERED that the parties' March 19, 2008, stipulation is **STRICKEN**; it is further

ORDERED that any motions for summary judgment shall be filed no later than **April 15, 2008**; and it is further

ORDERED that any oppositions to such motions shall be filed no later than **April 30, 2008**.

S_____
CURTIS V. GÓMEZ
Chief Judge

Davis v. Ragster, et al.
Hodge v. University of the Virgin Islands
Civil Nos. 2005-155 and 2005-113
Order
Page 6

Copy: Archie Jennings, Esq.
 Samuel H. Hall, Jr., Esq.
 Marie E. ThomasGriffith, Esq.